



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

100th session

25 November–13 December 2019

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the combined twenty-second and twenty-third periodic reports of Chile

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send a short list of themes to the State party concerned with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other themes may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Up-to-date and comprehensive statistics on the ethnic composition of the population. Information on the use of self-definition or self-identification in the gathering of statistical data.

The Convention in national law and the institutional and policy framework for its implementation (arts. 1, 2, 4, 6 and 7)

3. Developments regarding the constitutional recognition of indigenous peoples and information on consultation with indigenous peoples in connection with the formulation of a new Constitution (CERD/C/CHL/CO/19-21, para. 12 (a)).

4. Status of the bills submitted to Congress concerning the definition of the acts described in article 4 of the Convention as punishable offences (CERD/C/CHL/22-23, paras. 100 and 101).

5. Implementation and scope of Act No. 20609, which sets forth measures to combat discrimination. Review of the categories of discrimination classified as "not arbitrary" in that law. Detailed information on cases of racial discrimination that have been investigated and prosecuted and in which the offenders have been punished.

6. Strengthening the institutional framework for indigenous peoples, with particular reference to the status of the bills providing for the establishment of a national council of indigenous peoples, councils of indigenous peoples and a government ministry for indigenous peoples (CERD/C/CHL/22-23, para. 31).



7. Measures to put an end to attitudes of racism and racial discrimination in the judicial system and guarantee access to justice for members of indigenous peoples, people of African descent and migrants. Conditions of detention for indigenous persons and the incorporation of culturally relevant provisions into prison rules.

8. Measures to combat racial discrimination and the dissemination of messages that promote the spread of racial stereotypes and prejudice against indigenous persons, people of African descent and migrants.

9. Implementation of the 2030 Agenda for Sustainable Development, the Global Compact for Safe, Orderly and Regular Migration and the Montevideo Consensus on Population and Development as they apply to indigenous peoples, people of African descent and migrants.

Situation of indigenous peoples

10. Results of the implementation of public policies and programmes aimed at ensuring the social inclusion of indigenous peoples and their enjoyment of their economic, social and cultural rights.

11. Realization of the right to consultation with a view to obtaining free, prior and informed consent regarding any legislative or administrative provision that may affect indigenous people's rights, in particular with regard to investment projects that may have an impact on their lands, territories or resources. Progress towards the establishment of an institutional mechanism for guaranteeing this right (CERD/C/CHL/CO/19-21, paras. 12 (b) and (d)).

12. Mechanisms for the recognition, restitution, preservation and protection of lands, territories and natural resources traditionally occupied or used by indigenous peoples. Implementation of Act. No. 19253, which sets out rules on the protection, advancement and development of indigenous peoples and the establishment of a historical cadastre of indigenous lands and water resources (CERD/C/CHL/22-23, para. 144).

13. Situation of indigenous peoples negatively affected by economic projects or natural resource development projects and the implementation of the National Action Plan on Human Rights and Chilean Businesses (CERD/C/CHL/22-23, para. 22).

14. Situation of indigenous peoples who have been negatively affected by the presence of household or industrial waste disposal sites or sanitary landfills on their lands and in their territories.

15. Measures to promote intercultural education, respect for the traditions, culture and use of the languages of indigenous peoples, awareness-raising in that regard, the protection of indigenous peoples' ceremonial sites and measures to prevent their desecration and destruction.

16. Measures to encourage the political participation of members of indigenous peoples and, in particular, to ensure their representation in elected and decision-making positions.

17. Cases brought against indigenous persons, especially members of the Mapuche peoples, under Act No. 18314, which defines terrorist acts and establishes the related penalties. Status of the proposed amendments to Act No. 18314 (CERD/C/CHL/22-23, para. 120). The number of complaints, investigations, prosecutions and convictions concerning the excessive use of force by State agents against members of indigenous communities, including women, children and adolescents (CERD/C/CHL/CO/19-21, para. 14 (d)).

18. Situation of indigenous peoples in the Araucanía Region and the measures adopted to prevent violence and safeguard their enjoyment of their economic, social and cultural rights.

Situation of people of African descent (articles 2–5)

19. Measures to eliminate racial discrimination against people of African descent and ensure their exercise of their rights. Progress in the development of the implementing

regulations for Act No. 21151, which grants legal recognition to Chilean tribal peoples of African descent.

Situation of human rights defenders

20. Protection for defenders of indigenous people's rights and information on investigations conducted into cases involving violations of their human rights.

Situation of migrants, asylum seekers and refugees

21. Progress in amending the immigration laws in order to guarantee the Convention rights of migrants, asylum seekers and refugees. Information on the special regularization process. Measures to combat acts of racial discrimination targeting migrants, asylum seekers and refugees.

Multiple forms of discrimination

22. Measures to combat multiple and intersectional discrimination against indigenous women, persons of African descent and migrants, especially with regard to their access to an adequate standard of living, work, education and health services, including sexual and reproductive health services, and access to justice.
